

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JULY 10, 2012 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim was presented a thank you picture from the Girls on the Run from Laura Solomon. Dan Pellegrino and Sara Bishop presented a certificate from United Way Campaign thanking the City of Norfolk and employees for their participation in this year's campaign.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day pursuant to action of the Council on **June 12, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Nick's Diner** to **a)** amend the **General Plan of Norfolk, 1992**, to change land use designation from **Medium Density Residential** to **Commercial/Office District**, **b)** to amend the **Zoning Ordinance** from **R-12 (Medium Density Multiple-Family) District** and **BFRPO (Bay Front Residential Parking Overlay) District** to **Conditional C-2 (Corridor Commercial) District** and **c)** for a **Special Exception** to operate an eating and drinking establishment on property located at **1006 East Ocean View Avenue**.

Crystal Stump, 3088 Moonlight Road, Smithfield, spoke in favor of this matter.

Vic Yurkovic, 1816 East Ocean View Avenue, spoke in opposition to this matter.

Thereupon, An Ordinance entitled, "An Ordinance to amend the **General Plan of Norfolk, 1992**, so as to change the land use designation for

property located at **1006 East Ocean View Avenue** from medium density residential to commercial/office,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **LOST**.

Yes: None.

No. Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

PH-1A

An Ordinance entitled, “An Ordinance to rezone property located at **1006 East Ocean View Avenue** from R-12 (Multiple-Family Residential) District and BFRPO (Bay Front Residential Parking Overlay) District to Conditional C-2 (Corridor Commercial) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **LOST**.

Yes: None.

No. Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

PH-2

PUBLIC HEARING scheduled this day pursuant to action of the Council on **June 26, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Peron Johnson** on property located at **1422 O’Keefe Street**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to Peron Johnson of a certain parcel of property, acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-3

PUBLIC HEARING scheduled this day pursuant to action of the Council on **June 26, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **YMCA** for the closing, vacating and discontinuing a portion of **West 29th Street** between **Omohundro Avenue** and **Granby Street**.

Mervin Pitchford, 250 Brambleton Avenue and David Oakley, 860 Greenbrier Court, #401, were present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of West 29th Street between Granby Street and Omohundro Avenue,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

CONSENT AGENDA

C-1

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **Advantage Investments, LLC** to a) amend the **General Plan of Norfolk 1992**, to remove language referencing the extension of **Robin Hood Road** from the **Transportation Chapter and Map**, and to change land use designation from **Industrial/Transportation/Utility to Commercial/Office**, b) for the closing, vacating, and discontinuing of Simpson Street from the western line of **Chesapeake Boulevard** westwardly to **County Street**, and c) for a change of zoning from **C-1 (Limited Commercial) District to Conditional C-2 (Corridor Commercial) District**.

ACTION: City Clerk authorized to advertise for a public hearing on August 28, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-2

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **Children's Hospital of the King Daughters (CHKD)** for the closing, vacating and discontinuing a portion of the northeastern corner of **Riverview** and **Southampton Avenues**.

ACTION: City Clerk authorized to advertise for a public hearing on July 24, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-3

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the Primary Election on June 12, 2012, pursuant to **Section 24.2-675** of the ***Code of Virginia***.

ACTION: Received and filed.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-4

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission** to amend the **General Plan and the Zoning Ordinance of Norfolk 1992**, to create definitions for Character Districts within the city and show their location.

ACTION: City Clerk authorized to advertise for a public hearing on August 28, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-5

Letter from the City Manager requesting a public hearing be scheduled to hear comments on a lease to the **Virginia Stage Company** for first floor space in the Boush Street Garage located at **220 Boush Street**.

ACTION: City Clerk authorized to advertise for a public hearing on July 24, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Religious Institution** on property located at **2736 to 2746 Woodland Avenue**,” was introduced in writing and read by its title.

(PASSED BY AT THE MEETING OF JUNE 26, 2012)

Richard Parker, 956 Avenue H and Steve Blevins, 770 Independence Circle, Virginia Beach, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Eastern Virginia Medical Center** to encroach into City of Norfolk rights of way of **Fairfax Avenue, Olney Road, Children’s Lane, Gresham Drive** and **Wagner Road** with multiple **SVD Directional Signs**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Karen B. Labonte** to encroach into the right of way of **Willoughby Bay Avenue**, a paper street, at **707 West Ocean View Avenue**, with an existing house, a garage, sidewalks, a concrete pad and a pier,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Agreement** between the **Commonwealth of Virginia, Department of Transportation** and the City of Norfolk, relating to the **Norview Avenue/Military Highway Project** and the **Azalea Garden Road/Military Highway Project** and authorizing the expenditure of the sum of **\$7,051.00** from funds heretofore appropriated in the **Capital Improvement Projects Budget** to cover the City’s share of the costs related to the projects,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting an equipment grant award of **Baseball Kits** valued at **\$2,349.29** from the **Cal Ripken, Sr. Foundation** through the **Federal Office of Juvenile Justice and Delinquency** prevention to the **Norfolk Police Department** as part of the **Cal Ripken, Sr. Foundation 2012 Equipment/Materials Grant Program** for the **Police Department’s Badges for Baseball Program**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay District Development**

Certificate to permit renovation of a building for use as a retail establishment at **3230 Tidewater Drive,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **233 Granby Street,**” was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, spoke regarding this matter.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment on property located at **9659 1st View Street,**” was introduced in writing and read by its title.

Bob McCabe, 9552 25th Bay Street, spoke in favor of this matter.

Don Rockwell, 1348 Budkingham Avenue, applicant, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, and Williams.

No. Riddick, Winn and Fraim.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment

establishment on property located at **340 to 380 West Ocean View Avenue**,” was introduced in writing and read by its title.

ACTION: Continued generally.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating **Nine Hundred Seventy Five Thousand Dollars (\$975,000.00)** from the **U.S. Marshal Service Special Revenue Account**, if and when received, and authorizing the expenditure thereof at the direction of the **Sheriff** to pay for various employee benefits, equipment purchases and maintenance costs related to programs designed to improve the efficiency of the jail,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating **One Hundred Sixty Two Thousand Four Hundred Twenty Seven Dollars (\$162,427.00)** if and when received from the **Sheriff** and authorizing the expenditure thereof towards salaries and benefits for three sheriff employees,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acceptance of receipts from a **Special Revenue Project**, the **Sheriff’s Community Corrections Program**, appropriating **Five Hundred Seventy Thousand Dollars (\$570,000.00)** for fiscal year 2013,

authorizing the expenditure thereof by the Sheriff, authorizing the Sheriff's continued employment of eleven(11) persons for the program and providing funds for their salaries and benefits," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating **Thirty Five Thousand Dollars (\$35,000.00)** and authorizing the expenditure thereof by the Sheriff, if and when received from the **Deputy Fund Service Special Revenue Account**, to pay for holding functions for his employees, extending condolences and congratulations to his employees and similar incentive-related benefits for his employees," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-14

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **Lease Agreement** between **Monticello Avenue, L.L.C.**, as Lessor, and the **City of Norfolk**, as Lessee, for the lease of property owned by Monticello Avenue, L.L.C., located at **861 Monticello Avenue**, Norfolk, Virginia, and authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-15

Letter from the City Manager and a Resolution entitled, “A Resolution in support of **Hampton Roads Partnerships Service Sharing Pilot Project** between the cities of Norfolk, Chesapeake and Virginia Beach,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 10, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-16

A Resolution entitled, “A Resolution appointing members to the Early Childhood Learning Advisory Board,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 26, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

NEW BUSINESS

1. Herb Williams, 401 College Place, spoke about using the Attucks Theatre for promotion of art in the black community.
2. Juanita Teague, 2426 West Avenue, spoke regarding the change of policy regarding overtime pay for city employees
3. Jane Bethel 5631 Brandon Boulevard, Virginia Beach, commented city employees not being notified regarding the change in overtime pay.
4. Dan Montague, 4605 Krick Street, spoke about graffiti on the overpass at Argonne Avenue.
5. Danny Lee Ginn, 3844 Dare Circle, commented on censorship in government.
6. Donald Hornstein, 603 Westover Avenue, #9, commented on the building at 161 Granby Street.